

Jan 20 16 10:26a

Terrell County Clerk

23452746 Filed for Record

1/29/2016 9:48:27 AM

Terrell Co/District Court Clerk

Terrell County, TX

By: Raeline Thompson

CIVIL CASE INFORMATION SHEET  
3140

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED RUBEN ESTRADA V. INDUSTRIAL TRANSIT INC. AND ROBERT BARBER

(e.g., John Smith v. All American Insurance Co. In re Mary Ann Jones. In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

|   |  |   |  |   |  |
|---|--|---|--|---|--|
| <b>1. Contact information for person completing case information sheet:</b><br>Name: <u>Conrt Akers</u> Email: <u>Conrt@legaldl-law.com</u><br>Address: <u>402 Main St, 4th Fl</u> Telephone: <u>713-426-2244</u><br>City/State/Zip: <u>Houston, TX 77002</u> Fax: <u>713-426-2255</u><br>Signature: <u>[Signature]</u> State Bar No: <u>24080122</u>   |  | <b>Names of parties in case:</b><br>Plaintiff(s)/Petitioner(s): <u>Ruben Estrada</u><br>Defendant(s)/Respondent(s): <u>Industrial Transit, Inc.</u><br><u>Robert Barber</u> |  | <b>Person or entity completing sheet is:</b><br><input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner<br><input type="checkbox"/> Pro Se Plaintiff/Petitioner<br><input type="checkbox"/> Title IV-D Agency<br><input type="checkbox"/> Other: _____<br>Additional Parties in Child Support Case:<br>Custodial Parent: _____<br>Non-Custodial Parent: _____<br>Presumed Father: _____ |  |
| <b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>   |  |   |  |   |  |
| <b>Civil</b><br><b>Contract</b><br><input type="checkbox"/> Debt/Contract<br><input type="checkbox"/> Consumer/DTPA<br><input type="checkbox"/> Debt/Contract<br><input type="checkbox"/> Fraud/Misrepresentation<br><input type="checkbox"/> Other Debt/Contract:<br><b>Foreclosure</b><br><input type="checkbox"/> Home Equity—Expedited<br><input type="checkbox"/> Other Foreclosure<br><input type="checkbox"/> Franchise<br><input type="checkbox"/> Insurance<br><input type="checkbox"/> Landlord/Tenant<br><input type="checkbox"/> Non-Competition<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other Contract:<br><b>Injury or Damage</b><br><input type="checkbox"/> Assault/Battery<br><input type="checkbox"/> Construction<br><input type="checkbox"/> Defamation<br><b>Malpractice</b><br><input type="checkbox"/> Accounting<br><input type="checkbox"/> Legal<br><input type="checkbox"/> Medical<br><input type="checkbox"/> Other Professional Liability:<br><input checked="" type="checkbox"/> Motor Vehicle Accident<br><input type="checkbox"/> Premises<br><b>Product Liability</b><br><input type="checkbox"/> Asbestos/Silica<br><input type="checkbox"/> Other Product Liability<br>List Product:<br><input type="checkbox"/> Other Injury or Damage:<br><b>Real Property</b><br><input type="checkbox"/> Eminent Domain/Condemnation<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Quiet Title<br><input type="checkbox"/> Trespass to Try Title<br><input type="checkbox"/> Other Property:<br><b>Related to Criminal Matters</b><br><input type="checkbox"/> Expunction<br><input type="checkbox"/> Judgment Nisi<br><input type="checkbox"/> Non-Disclosure<br><input type="checkbox"/> Seizure/Forfeiture<br><input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment<br><input type="checkbox"/> Other: |  |   | <b>Family Law</b><br><b>Marriage Relationship</b><br><input type="checkbox"/> Annulment<br><input type="checkbox"/> Declare Marriage Void<br><b>Divorce</b><br><input type="checkbox"/> With Children<br><input type="checkbox"/> No Children<br><b>Other Family Law</b><br><input type="checkbox"/> Enforce Foreign Judgment<br><input type="checkbox"/> Habeas Corpus<br><input type="checkbox"/> Name Change<br><input type="checkbox"/> Protective Order<br><input type="checkbox"/> Removal of Disabilities of Minority<br><input type="checkbox"/> Other:<br><b>Post-judgment Actions (non-Title IV-D)</b><br><input type="checkbox"/> Enforcement<br><input type="checkbox"/> Modification—Custody<br><input type="checkbox"/> Modification—Other<br><b>Title IV-D</b><br><input type="checkbox"/> Enforcement/Modification<br><input type="checkbox"/> Paternity<br><input type="checkbox"/> Reciprocity (UIFSA)<br><input type="checkbox"/> Support Order<br><b>Parent-Child Relationship</b><br><input type="checkbox"/> Adoption/Adoption with Termination<br><input type="checkbox"/> Child Protection<br><input type="checkbox"/> Child Support<br><input type="checkbox"/> Custody or Visitation<br><input type="checkbox"/> Gestational Parenting<br><input type="checkbox"/> Grandparent Access<br><input type="checkbox"/> Parentage/Paternity<br><input type="checkbox"/> Termination of Parental Rights<br><input type="checkbox"/> Other Parent-Child: |   |  |
| <b>Employment</b><br><input type="checkbox"/> Discrimination<br><input type="checkbox"/> Retaliation<br><input type="checkbox"/> Termination<br><input type="checkbox"/> Workers' Compensation<br><input type="checkbox"/> Other Employment:<br><b>Other Civil</b><br><input type="checkbox"/> Administrative Appeal<br><input type="checkbox"/> Antitrust/Unfair Competition<br><input type="checkbox"/> Code Violations<br><input type="checkbox"/> Foreign Judgment<br><input type="checkbox"/> Intellectual Property<br><input type="checkbox"/> Lawyer Discipline<br><input type="checkbox"/> Perpetuate Testimony<br><input type="checkbox"/> Securities/Stock<br><input type="checkbox"/> Tortious Interference<br><input type="checkbox"/> Other:   |  |   | <b>Probate &amp; Mental Health</b><br><b>Probate/Wills/Intestate Administration</b><br><input type="checkbox"/> Dependent Administration<br><input type="checkbox"/> Independent Administration<br><input type="checkbox"/> Other Estate Proceedings<br><input type="checkbox"/> Guardianship—Adult<br><input type="checkbox"/> Guardianship—Minor<br><input type="checkbox"/> Mental Health<br><input type="checkbox"/> Other:  |   |  |
| <b>Tax</b><br><input type="checkbox"/> Tax Appraisal<br><input type="checkbox"/> Tax Delinquency<br><input type="checkbox"/> Other Tax:<br><b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b><br><input type="checkbox"/> Appeal from Municipal or Justice Court<br><input type="checkbox"/> Arbitration-related<br><input type="checkbox"/> Attachment<br><input type="checkbox"/> Bill of Review<br><input type="checkbox"/> Certiorari<br><input type="checkbox"/> Class Action<br><input type="checkbox"/> Declaratory Judgment<br><input type="checkbox"/> Garnishment<br><input type="checkbox"/> Interpleader<br><input type="checkbox"/> License<br><input type="checkbox"/> Mandamus<br><input type="checkbox"/> Post-judgment<br><input type="checkbox"/> Prejudgment Remedy<br><input type="checkbox"/> Protective Order<br><input type="checkbox"/> Receiver<br><input type="checkbox"/> Sequestration<br><input type="checkbox"/> Temporary Restraining Order/Injunction<br><input type="checkbox"/> Turnover   |  |   | <b>4. Indicate damages sought (do not select if it is a family law case):</b><br><input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees<br><input type="checkbox"/> Less than \$100,000 and non-monetary relief<br><input type="checkbox"/> Over \$100,000 but not more than \$200,000<br><input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000<br><input type="checkbox"/> Over \$1,000,000   |   |  |

A TRUE AND CORRECT COPY  
OF ORIGINAL INSTRUMENT AS  
FILED IN TERRELL COUNTY  
CLERK'S OFFICE.

Rev 2/13

Print this page

## Case # 3140 - RUBEN ESTRADA V. INDUSTRIAL TRANSIT INC. AND ROBERT BARBER (63RD JUDICIAL DISTRICT COURT)

### Case Information

|                   |  |
|-------------------|--|
| Location          | Terrell County - District Clerk                            |
| Date Filed        | 01/29/2016 10:05:07 AM                                     |
| Case Number       | 3140   |
| Case Description  | RUBEN ESTRADA V. INDUSTRIAL TRANSIT INC. AND ROBERT BARBER |
| Assigned to Judge | 63RD JUDICIAL DISTRICT COURT                               |
| Attorney          | Cordt Akers  |
| Firm Name         | Cogdell Law Firm PLLC                                      |
| Filed By          | Dan Cogdell  |
| Filer Type        | Not Applicable   |

### Fees

|                             |          |
|-----------------------------|----------|
| Convenience Fee             | \$13.16  |
| Total Court Case Fees       | \$282.00 |
| Total Court Filing Fees     | \$170.00 |
| Total Court Service Fees    | \$0.00   |
| Total Filing & Service Fees | \$0.00   |
| Total Service Tax Fees      | \$0.00   |
| Total Provider Service Fees | \$3.00   |
| Total Provider Tax Fees     | \$0.25   |
| Grand Total                 | \$468.41 |

### Payment

|                      |             |
|----------------------|-------------|
| Account Name         | C. Akers    |
| Transaction Amount   | \$468.41    |
| Transaction Response | Approved    |
| Transaction ID       | 14401203    |
| Order #              | 008856067-0 |

### Petition

|                    |                               |
|--------------------|-------------------------------|
| Filing Type        | EFile                         |
| Filing Code        | Petition                      |
| Filing Description | Plaintiff's Original Petition |
| Reference Number   | Estrada                       |
| Comments           |                               |

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Resubmitting the rejected filing with Original  
Envelope Number: 8855408, Submitted  
on: Friday, January 29, 2016 9:48:28 AM,  
Rejected Reason: 7.00 EACH

Status

Accepted

Accepted Date

01/29/2016 10:32:16 AM

**Fees**

Court Fee

\$170.00

Service Fee

\$0.00

**Optional Services**

>Service - Certified Mail

\$100.00 (2 x \$50.00)

>Jury Fee

\$40.00

>Issue Citation - Certified Mail

\$16.00 (2 x \$8.00)

>Copies - Service

\$14.00 (14 x \$1.00)

**Documents**

*Attachments*

Original Petition .pdf

[Original]

[Transmitted]

*Lead Document*

Estrada Civil Case .pdf

[Original]

[Transmitted]

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CAUSE NO. 3140

E-Filed for Record  
1/29/2016 9:48:27 AM  
Terrell Co/District Court Clerk  
Terrell County, TX  
By: Raeline Thompson

RUBEN ESTRADA

v.

INDUSTRIAL TRANSIT INC. and ROBERT  
BARBER

§ IN THE DISTRICT COURT  
§  
§ TERRELL COUNTY, TEXAS  
§  
§ 63rd JUDICIAL DISTRICT  
§

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, RUBEN ESTRADA, and files this Plaintiff's Original Petition complaining of Defendants Industrial Transit Inc. and Robert Barber, and respectfully shows this Honorable Court the following:

**I.**

**DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct Discovery under Level 2 of the Texas Rules of Civil Procedure and requests that the Court enter a Level 2 Discovery Control Plan.

**II.**

**PARTIES AND SERVICE**

2. Plaintiff, RUBEN ESTRADA, is an individual who resides in the State of California. The last three digits of his drivers' license are 760. The last three digits of his Social Security number are 622.

3. Defendant Industrial Transit Inc. is a Georgia corporation doing business in the State of Texas, and may be served with process by and through their registered agent John F. Talley at 112 Gordon Commercial Drive, Lagrange, Georgia, 30240.

4. Defendant Robert Barber is an individual residing in the State of Georgia and may be served with process at 119 Teaver Road, Lagrange, Georgia, 30240.

///

PLAINTIFF'S ORIGINAL PETITION

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1 III.

2 JURISDICTION AND VENUE

3 5. This Court has jurisdiction because the amount in controversy is within the  
4 jurisdictional limits of the Court. Furthermore, all of the causes of action asserted in this case  
5 arose in State of Texas, and all the parties to this action conduct business in this State in  
6 connection with the causes of action embraced by the claims in this lawsuit.

7 6. Venue is proper in Terrell County, Texas under the general venue statute of Tex.  
8 Civ. Prac. & Rem. Code §15.002(a)(1) (West 2007) because all or a substantial part of the events  
9 or omissions giving rise to the claim occurred in Terrell County and no mandatory venue  
10 provision applies.

11 IV.

12 FACTUAL BACKGROUND

13 7. Plaintiff, RUBEN ESTRADA, brings suit to recover damages for personal injuries  
14 he sustained in a motor vehicle collision on or about January 31, 2014, which collision was  
15 proximately caused by the negligence of Defendant Robert Barber. At the time of the collision,  
16 Plaintiff, RUBEN ESTRADA, was traveling eastbound on the I-90 Freeway in the City of  
17 Sanderson, Texas. Defendant Robert Barber was driving westbound in his employer's semi-truck,  
18 when he lost control of the truck and crossed the median, striking Plaintiff's vehicle. The  
19 negligent conduct of Defendant, Robert Barber, proximately caused the collision and the resulting  
20 substantial injuries and damages to Plaintiff, RUBEN ESTRADA.

21 8. At the time and on the occasion in question, the semi-truck which struck RUBEN  
22 ESTRADA was owned by Defendant Industrial Transit Inc. and operated by Defendant Robert  
23 Barber. Defendant Industrial Transit Inc. entrusted its vehicle to Robert Barber. Robert Barber  
24 was Industrial Transit Inc.'s employee and was operating said truck while acting in the course and  
25 scope of his employment.

26 ///

27 ///

28

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## V.

NEGLIGENCE

9. At the time and on the occasion in question, Defendant Robert Barber was negligent, which proximately caused RUBEN ESTRADA's injuries. Defendant Robert Barber failed to use ordinary care by various acts and omissions, including the following, each of which singularly or in combination with others, proximately caused the occurrence in question: crossing over the median into incoming traffic; failing to maintain control of his vehicle; failing to control speed in order to avoid losing control of his vehicle; failing to keep a proper look out; driving while fatigued; failing to remain attentive to driving and traffic conditions; and such other and further acts and/or omissions of negligence as may be shown by the evidence at the trial in this cause.

10. Defendant Robert Barber failed to properly exercise the duties of care he owed under the law, which should have been exercised by him as a reasonable and prudent person under the same or similar circumstances as existed in connection herewith.

## VI.

NEGLIGENCE PER SE

11. By crossing over the median into the wrong side of the road, Defendant Robert Barber was negligent per se in violation of Texas Transportation Code Chapter 545, and such negligence per se was a proximate cause of the occurrence in question. Defendant Robert Barber was charged at the scene with failing to drive in single lane.

## VII.

RES IPSA LOQUITUR

12. The nature of this incident is such that it does not ordinarily occur without the negligence of another, such that the doctrine of Res Ipsa Loquitor applies in this case. It was the duty of the driver, Defendant Robert Barber, to remain in his lane of traffic and not cross over the median onto the path of opposite traffic, and in so doing he created a dangerous condition.

13. Defendant Ruben Estrada at all relevant times maintained control of and

1 responsibility for his vehicle. His vehicle drove onto the wrong side of the road, where it caused a  
 2 dangerous condition to Plaintiff, causing their vehicles to collide and causing serious and  
 3 permanent damage to his person.

4 14. As such, this incident would not occur but for and without the negligence of  
 5 Defendant Robert Barber in his failure to remain in his lane of traffic. This negligence occurred  
 6 while Defendant Robert Barber was acting in the course and scope of his employment with  
 7 Defendant Industrial Transit Inc.

#### 8 VIII.

#### 9 DEFENDANT INDUSTRIAL TRANSIT INC.'S LIABILITY

10 15. Defendant Industrial Transit Inc. is legally responsible to RUBEN ESTRADA for  
 11 the negligent conduct of Defendant Robert Barber under the legal doctrine of respondeat superior  
 12 because Defendant Robert Barber was at all times material hereto acting in the course and scope of  
 13 his employment with Defendant Industrial Transit Inc. Defendant Robert Barber committed the  
 14 negligent acts referenced in Section V above within the course and scope of his general authority,  
 15 in furtherance of his employer's business, and in order to accomplish an object for which he was  
 16 hired. As a result thereof, Industrial Transit Inc. is vicariously liable for all negligent acts and  
 17 negligent acts per se committed by Robert Barber in the course and scope of his employment, and  
 18 for the injuries and damages suffered by RUBEN ESTRADA.

19 16. Further, Defendant Industrial Transit Inc. is legally responsible to RUBEN  
 20 ESTRADA for its own negligent conduct in failing to supervise and train Robert Barber, and for  
 21 failing to have processes and procedures which would prevent its employees, such as Robert  
 22 Barber, from driving while fatigued and violating the Transportation Code. Such negligence was  
 23 also a proximate cause of the incident resulting in the injuries to Plaintiff.

#### 24 IX.

#### 25 GROSS NEGLIGENCE

26 17. Defendants Robert Barber and Industrial Transit Inc. were grossly negligent in that  
 27 the conduct in question involved an extreme degree of risk, of which Defendants had awareness of  
 28



the risk involved but proceeded with conscious indifference and such conduct was a proximate cause of RUBEN ESTRADA's injuries. Defendant Robert Barber drove, and Defendant Industrial Transit Inc. allowed him to drive, while fatigued, despite knowledge of the high degree of risk that doing so poses other motorists, such as Plaintiff. Defendants' grossly negligent conduct justifies the imposition of punitive and exemplary damages both as punishment to Defendants for their callous disregard and as a deterrent to others from engaging in similar conduct. Plaintiff therefore seeks punitive and exemplary damages in addition to actual damages.

#### X.

#### DAMAGES

18. As a result of the collision described above, RUBEN ESTRADA suffered severe bodily injuries and damages. RUBEN ESTRADA has incurred medical charges and expenses in the past and will, in reasonable probability, continue to do so in the future. Because of the nature and severity of the injuries RUBEN ESTRADA sustained, he has experienced physical pain and mental anguish and will, in reasonable probability, continue to do so in the future. In addition, RUBEN ESTRADA has sustained physical impairment and disfigurement and will, in reasonable probability, continue to do so in the future. RUBEN ESTRADA has also suffered a loss of earning capacity in the past and will, in reasonable probability, continue to do so in the future.

19. RUBEN ESTRADA's injuries are of the type that progress over time. He continues to suffer pain and requires further treatment and pain management. Therefore, an exact amount of damages is best suited for determination by a jury that can evaluate not only the nature of RUBEN ESTRADA's injuries but also their magnitude and duration at the time of trial. The law requires, however, that Plaintiff's lawsuit state compliance with Rule 47(c). Therefore, pursuant to Texas Rule of Civil Procedure 47(c), monetary relief over \$200,000 but no more than \$1,000,000 is sought.

#### XI.

#### REQUEST FOR DISCLOSURE

20. Pursuant to Rule 194, Defendants are requested to disclose, within 50 days of the



1 date of service of this request, the information or material described in Rule 194.2(a) through (l).

2 **XII.**

3 **REQUEST FOR JURY TRIAL**

4 21. Plaintiff requests a jury trial and tenders the appropriate fee with this petition.

5 **XIII.**

6 **PRAYER**

7 22. WHEREFORE, Plaintiff RUBEN ESTRADA prays that Defendants ROBERT  
8 BARBER and INDUSTRIAL TRANSIT INC. be cited to appear and answer herein; and that upon  
9 final trial of this cause, Plaintiff recover:

- 10 1. Judgment against Defendants for Plaintiff's damages as set forth above, in an  
11 amount within the jurisdictional limits of this Court;  
12 2. Interest on the judgment at the legal rate from the date of judgment;  
13 3. Pre-judgment interest on Plaintiff's damages as allowed by law;  
14 4. Costs of Court; and  
15 5. Such other and further relief to which Plaintiff may be entitled.

16 Dated: January 27, 2016

Respectfully submitted:

17 **COGDELL LAW FIRM, PLLC**

18 By: 

19 Cordt C. Akers  
20 SBN 24080122  
21 402 Main St., 4<sup>th</sup> Fl.  
22 Houston, TX 77019  
23 T: (713) 426-2244  
24 F: (713) 426-2255  
25 cordt@cogdell-law.com

26  
27 A TRUE AND CORRECT COPY  
28 OF ORIGINAL INSTRUMENT AS  
FILED IN TERRELL COUNTY  
CLERK'S OFFICE.

THE DOMINGUEZ FIRM

By: \_\_\_\_\_

Olivier Tailleu  
State of California Bar Number 206546  
3250 Wilshire Boulevard, Suite 1200  
Los Angeles, CA 90010  
T: (310) 651-2440  
F: (310) 651-2439  
olivier@nationalinjurylf.com  
*pro hac vice pending*

ATTORNEYS FOR PLAINTIFF RUBEN  
ESTRADA

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CLERK'S OFFICE.

## CITATION BY CERTIFIED MAIL - TRC 106

THE STATE OF TEXAS:

Cause No. 3140Ruben Estrada  
Plaintiff| IN THE 63<sup>rd</sup> DISTRICT COURTVS  
Industrial Transit Inc. And Robert Barber  
Defendant| OF  
| Terrell COUNTY, TEXASTO: Robert Barber, 119 Teaver Road, Lagrange, Georgia, 30240

Defendant- GREETING

**NOTICE TO DEFENDANT:** "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 am on the Monday next following the expiration of 20 days after the date you were served this citation and petition, a default judgment may be taken against you." TRCP. 99

You are hereby commanded to appear by filing a written answer to the Plaintiff's Petition at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable **63<sup>rd</sup> Judicial District** Court of **Terrell** County, at the Courthouse in said County in **Sanderson**, Texas. Said Plaintiff's Petition was filed in said court on the 29<sup>th</sup> day of January **2016** in the above entitled cause.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at **Sanderson**, Texas this 1<sup>st</sup> day of **January** **2016**

Attorney for Plaintiff or Plaintiff:

Cordt C. Akers  
402 Main St., 4<sup>th</sup> Fl.  
Houston, TX 77019  
cordt@cogfdell-law.com

Clerk of the Court:

Martha AllenTerrell County, TexasP.O. Drawer 410105 E. Hackberry StreetSanderson, Texas 79848

Olivier Taillieu  
3250 Wilshire Boulevard, Suite 1200  
Los Angeles, CA 90010  
olivier@nationalinjurylf.com

By Raeline Thompson Deputy

## CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 29<sup>th</sup> day of **January** **2016** at 9:48 o'clock **A**M and executed the 1<sup>st</sup> day of **February** **2016** by mailing the same to **Robert Barber** Defendant by registered or certified mail, with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the petition were attached thereto.

Fees.....\$50.00

Martha Allen

District Clerk

Terrell

County, Texas

By Raeline Thompson Deputy

A TRUE AND CORRECT COPY  
OF ORIGINAL INSTRUMENT AS  
FILED IN TERRELL COUNTY  
CLERK'S OFFICE.

## CITATION BY CERTIFIED MAIL - TRC 106

THE STATE OF TEXAS:

Ruben Estrada  
PlaintiffCause No. 3140| IN THE 63<sup>rd</sup> DISTRICT COURT

VS

Industrial Transit Inc. And Robert Barber  
Defendant

| OF

| Terrell COUNTY, TEXASTO: Industrial Transit Inc., c/o John F. Talley, Registered Agent, 112 Gordon Commercial Drive, Lagrange, Georgia, 30240

Defendant- GREETING

**NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 am on the Monday next following the expiration of 20 days after the date you were served this citation and petition, a default judgment may be taken against you." TRCP. 99**

You are hereby commanded to appear by filing a written answer to the Plaintiff's Petition at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable 63<sup>rd</sup> Judicial District Court of Terrell County, at the Courthouse in said County in Sanderson, Texas. Said Plaintiff's Petition was filed in said court on the 29<sup>th</sup> day of January 2016 in the above entitled cause.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at Sanderson, Texas this 1<sup>st</sup> day of February 2016

Attorney for Plaintiff or Plaintiff:

Cordt C. Akers  
402 Main St., 4<sup>th</sup> Fl.  
Houston, TX 77019  
cordt@cogfdell-law.com

Clerk of the Court:

Martha Allen  
Terrell County, Texas  
P. O. Drawer 410  
105 E. Hackberry Street  
Sanderson, Texas 79848

Olivier Taillieu

3250 Wilshire Boulevard, Suite 1200  
Los Angeles, CA 90010  
olivier@nationalinjurylf.comBy Rachelle Thompson Deputy

## CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 29<sup>th</sup> day of January 2016 at 9:48 o'clock A M and executed the 1<sup>st</sup> day of February 2016 by mailing the same to Industrial Transit Inc., c/o John F. Talley Defendant by registered or certified mail, with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the petition were attached thereto.

Fees.....\$50.00

Martha Allen

District Clerk

Terrell

County, Texas

By Rachelle Thompson Deputy

A TRUE AND CORRECT COPY  
OF ORIGINAL INSTRUMENT AS  
FILED IN TERRELL COUNTY  
CLERK'S OFFICE.

**THE STATE OF TEXAS**

**COUNTY OF TERRELL**

I, Martha Allen, Clerk of the District Courts of Terrell County, Texas, do hereby certify that the above and foregoing are true and correct copies of the following instruments, and where applicable, the Social Security Number of a living person has been redacted, subject to the provisions of Texas Government Code, Sec. 552.147 Public Information Act.

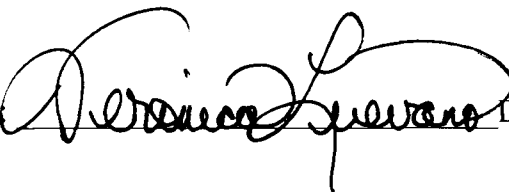
1. Civil Case Information Sheet
2. Efile
3. Plaintiff's Original Petition
4. Citation by Certified Mail (Robert Barber)
5. Citation by Certified Mail (Industrial Transit Inc., c/o John F. Talley, Registered Agent

In Cause No. 3140 on the Docket of the 63<sup>rd</sup> Judicial District Court of Terrell County, Texas, Styled:

**Ruben Estrada vs. Industrial Transit Inc. And Robert Barber**

as the same appears of record in this office.

**GIVEN UNDER MY HAND AND SEAL OF SAID COURT**, at office in Sanderson, County Texas, this 22<sup>ND</sup> day of FEBRUARY A.D., 20 2016

By  Deputy

